

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the office action. Claims 1 and 13 have been amended. Claims 9, 11, 12, 17, 19 and 20 have been rewritten in independent form. Applicant respectfully requests reconsideration of this application where claims 1-20 are currently pending.

Applicant respectfully traverses the rejection under 35 USC 101. The claims clearly recite statutory subject matter. Even if the claims were limited to purely software, that does not render them directed to non-statutory subject matter. The law in this area has recently made it abundantly clear that software inventions are patentable. Additionally, none of the pending claims is necessarily limited to just software.

Applicant respectfully traverses the rejection under 35 USC 112. The claims are proper and clear.

Applicant respectfully submits that none of the pending independent claims can be considered obvious in view of Lesaint, et al. That document is concerned only with scheduling various individuals. The scheduler arrangement in that document has no concern with the many of the limitations in the various independent claims. Applicant respectfully disagrees with the Examiner's assessment of the limitations of claims 9, 11, 12, 17, 19 and 20. Those claims each include positively recited limitations that are not found anywhere in Lesaint et al.

The limitations in the pending independent claims have no purpose or use in a scheduler as taught by Lesaint et al, which is only concerned with arranging a schedule. For example, Lesaint, et al. has no concern with billing information, technical information regarding an elevator system or allowing an individual to accept a special

assignment. Therefore, those items have no use in the Lesaint et al. scheduler and there would be no benefit to adding them to it. Where there is no benefit to a proposed modification, there is no prima facie case of obviousness.


The only possible suggestion for making such additions to the Lesaint et al. scheduler is found in Applicant's disclosure, which cannot be used to find motivation for attempting to establish a prima facie case of obviousness.

All claims are allowable.

The Commissioner is hereby authorized to charge the fees necessary for the five additional independent claims presented above to Deposit Account number 50-1482.

Respectfully submitted,

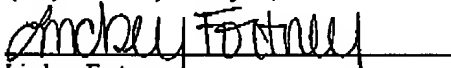
CARLSON, GASKEY & OLDS

By: 
David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: May 25, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment relating to Application No. 09/818,016, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on May 25, 2005.


Lindsey Fortney